

# **Appendix S**

**February 21, 2006,  
Defenders of Wildlife**

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Regional Director  
Bureau of Reclamation, Lower Colorado Region  
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Re: Colorado River Reservoir Operations: Development of Lower Basin  
Shortage Guidelines and Coordinated Management Strategies for Lake Powell  
and Lake Mead Under Low Reservoir Conditions

Dear Mr. Johnson and Mr. Gold:

The seven Colorado River Basin States recently submitted to the Department of the Interior a "Preliminary Proposal Regarding Colorado River Interim Operations." Before the Bureau of Reclamation (Reclamation) issues a scoping report in March, please consider these comments regarding the scope of NEPA analysis for Colorado River Reservoir Operations. Carrying all or part of the proposal forward as an alternative in the NEPA process will change the scope of Reclamation's proposed action as originally announced in the Federal Register. 70 Fed. Reg. 57322 (Sept. 30, 2005).

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The Notice of Intent (NOI) stated that Reclamation was considering "(1) Specific guidelines that will identify those circumstances under which the Department of the Interior (Department) would reduce annual water deliveries from Lake Mead to the Lower Basin States below the 7.5 million acre-feet (maf) Lower Basin apportionment and the manner in which those deliveries would be reduced, and (2) coordinated management strategies for the operation of Lake Powell and Lake Mead." *Id.*

The Preliminary Proposal includes shortage guidelines and management strategies, but also includes recommendations regarding the Interim Surplus Guidelines and introduces new programs such as system efficiencies, extraordinary conservation and augmentation projects including tributary conservation, introduction of non-Colorado River System water and exchange

of non-Colorado River System water, and proposes the Intentionally Created Surplus program.

The scoping period is an “early and open” process for determining the scope of the issues to be addressed in the EIS and for identifying significant issues related to the action. 40 C.F.R. §§ 1501.7, 1508.25. Given the breadth and complexity of the Preliminary Proposal, Defenders urges Reclamation to reevaluate the scope of its proposed action to ensure that its environmental impact statement (EIS) encompasses the full suite of actions, alternatives and impacts. “Agencies shall use the criteria for scope to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.” *Id.* § 1502.4(a). If all or part of the Preliminary Proposal are connected actions<sup>1</sup>, or if Reclamation carries forward parts of the Proposal that do not fall within the action proposed in the September NOI, Reclamation must prepare one EIS and must rescope.

We appreciate that Reclamation has set out a firm timeline for completing this NEPA process. Any delay caused by offering another opportunity for public input on significant issues and impacts triggered by the basin states’ proposal will be insignificant in comparison to delay triggered by introducing new actions or alternatives during the draft EIS comment period rather than the scoping period. Reclamation has put forth great effort in making its development of shortage guidelines an informative and open process – the very purpose of NEPA – and we encourage you to continue this effort.

Sincerely,

/s/

Kara Gillon  
Staff Attorney

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<sup>1</sup> “To determine the scope of environmental impact statements, agencies shall consider 3 types of actions . . . They include: (a) Actions (other than unconnected single actions) which may be: (1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they: (i) Automatically trigger other actions which may require environmental impact statements. (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously. (iii) Are interdependent parts of a larger action and depend on the larger action for their justification. (2) Cumulative actions . . . (3) Similar actions . . .” *Id.* § 1508.25(a).